

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JAMES COLES, et al.,

Plaintiffs,

v.

NICHOLAS CARLINI, et al.,

Defendants.

HON. JEROME B. SIMANDLE

Civil No. 10-6132 (JBS/AMD)

ORDER

This matter having come before the Court on a motion for partial summary judgment by Plaintiffs Coles, Ballinger and DeGailler [Docket Item 115] and a cross-motion for partial summary judgment by the State Defendants [Docket Item 120]; the Court having considered the submissions of the parties and having heard oral argument; for the reasons explained in the Opinion of today's date; and for good cause shown;

IT IS this 22nd day of July, 2013 hereby

ORDERED that Plaintiffs' motion for partial summary judgment is DENIED; and it is further

ORDERED that Defendants' cross-motion for partial summary judgment is DENIED in part and GRANTED in part; Defendants' motion is DENIED insofar as they are entitled to neither qualified immunity nor summary judgment on the merits of the First Amendment claim; Defendants' motion is GRANTED on judicial estoppel grounds as to Plaintiffs Coles and Ballinger, who may seek nominal damages and declaratory and injunctive relief but who may not seek additional compensatory or punitive damages.

s/ Jerome B. Simandle

JEROME B. SIMANDLE

Chief U.S. District Judge